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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/754,740

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Noboru Ogino

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2736

7590

06/30/2004

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EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/754,740

Applicant(s)

OGINO, NOBORU

Examiner

Houshang Safaipour

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's response filed on April 7, 2004 has been entered and made of record.

### ***Response to Arguments***

The following is the response to applicant's arguments.

Applicant argues that according to the teachings of the cited reference (Telle), the entire job must be completed and stored before changes to the scanning method can be made. Examiner disagrees. Telle discloses that the request for a proof set may be handled as an interrupt whereupon production of the current job is halted with the microcontroller storing information as to where to begin the current production job (col. 8, lines 28-31). Furthermore, Telle discloses that plural jobs are stored and are output to the writer on a First In First Out (FIFO) basis (col. 7, lines 34-67). For the reasons stated, examiner maintains his rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Telle  
(U.S. Patent No. 5,555,099)

Regarding claim 1, Telle discloses a document scanning apparatus for scanning a document, generating image data, and storing the image data comprising:

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first scanning means for sequentially transporting documents mounted in a document tray to a scan position and scanning the document at the scan position, thereby generating image data corresponding to the documents (col. 3, lines 30-37);

second scanning means for scanning a document placed on a document glass plane without transporting the document, thereby generating image data corresponding to the documents (col. 3, lines 37-39);

continued instruction acceptance means for accepting an instruction for one of continuation of document scanning and completion of document scanning after one of: (i) the first scanning means scans all documents mounted in the document tray and (ii) the second scanning means scans the document placed on the document glass plane (col. 3, line 30 through col. 4, line 23);

selection means for responding to the instruction for continued document scan, accepted by the continued instruction acceptance means, and for selecting one of the first scanning means and the second scanning means according to a predetermined rule, and for allowing selected scanning means to start scanning additional documents (col. 3, line 30 through col. 4, line 23); and

storage control means for storing newly generated image data corresponding to the additional documents as additional image data subsequent to previously stored image data, wherein one of the first scanning means and the second scanning means provides the newly generated image data until the continued instruction acceptance means accepts the instruction for completing the scanning of documents (col. 3, line 30 through col. 4, line 23).

Regarding claim 2, Telle discloses the document scanning apparatus according to

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claim 1, wherein the continued instruction acceptance means accepts an instruction whether to continue scanning documents based on a specified suspension instruction also in response to a suspended scan operation performed by one of the first scanning means and the second scanning means (fig. 4, col. 7 Line 23 through col. 10, line 63).

Regarding claim 3, Telle discloses the document scanning apparatus according to claim 1, further comprising mode changeover means which validates operations of the continued instruction acceptance means, the selection means, and the storage control means only when a specified mode is enabled for the first scanning means and the second scanning means (fig. 4, col. 7, lines 23-52).

Regarding claim 4, Telle discloses the document scanning apparatus according to claim 1, further comprising;

conditional instruction acceptance means which accepts an instruction of a specified scan condition when the continued instruction acceptance means awaits an instruction whether to continue scanning documents; and

condition setup means which allows one of the first scanning means and the second scanning means to perform scanning under a scan condition updated by an instruction most recently accepted by the conditional instruction acceptance means when one of the first scanning means and the second scanning means performs document scanning in response to acceptance of an instruction to continue scanning documents by the continued instruction acceptance means (fig. 4, col. 7 Line 23 through col. 10, line 63).

Regarding claim 5, Telle discloses a document scanning apparatus for scanning a document, generating image data, and storing the image data in comprising:

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scanning means for scanning the document, thereby operating image data corresponding to the document (please refer to claim 1);

continued instruction acceptance means for accepting an instruction for one of continuation of document scanning and completion of document scanning after termination of scanning of the document by the scanning means (please refer to claim 1);

conditional instruction acceptance means for accepting an instruction of a specified scan condition when the continued instruction acceptance means awaits an instruction whether to continue scanning documents (please refer to claim 1);

continued scan control means for allowing the scanning means to start scanning additional documents under a scan condition updated by an instruction most recently accepted by the conditional instruction acceptance means in response to acceptance of an instruction to continue scanning documents by the continued instruction acceptance means (please refer to claim 4); and

storage control means for storing newly generated image data corresponding to the additional documents as additional image data subsequent to previously stored image data, wherein one of the first scanning means and the second scanning means provides the newly generated image data until the continued instruction acceptance means accepts the instruction for completing the scanning of documents (please refer to claim 1).

Regarding claim 6, Telle discloses the document scanning apparatus according to claim 5, wherein the continued instruction acceptance means accepts an instruction whether to continue scanning documents based on a specified suspension instruction also in response to a suspended scan operation performed by the scanning means (fig. 4, col. 7 Line 23 through col. 10, line 63).

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Regarding claim 7, Telle discloses the document scanning apparatus according to claim 5, further comprising mode changeover means which validates operations of the continued instruction acceptance means, conditional instruction acceptance means, continued scan control means, and the storage control means only when a specified special mode is enabled for the scanning means (fig. 4, col. 7 Line 23 through col. 10, line 63).

Regarding claims 8 and 9 arguments analogous to those presented for claims 1-4 are applicable to claims 8 and 9.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (703)306-4037. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (703)305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor  
Patent Examiner  
Art Unit 2622  
June 25, 2004

  
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